

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1833

1 WHEREAS, M & S Construction has submitted an application designated as  
2 Special Permit No. 1833 for authority to develop Ashley Heights Community Unit Plan for  
3 295 dwelling units on property located at N.W. 48th Street and West Adams Street, and  
4 legally described to wit:

5 A TRACT OF LAND COMPOSED OF A PORTION OF LOT 26  
6 I.T., AND A PORTION OF LOT 27 I.T., ALL LOCATED IN THE  
7 NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 10  
8 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER  
9 COUNTY, NEBRASKA, AND MORE PARTICULARLY  
10 DESCRIBED AS FOLLOWS:  
11

12 COMMENCING AT THE SOUTHWEST CORNER OF SAID  
13 LOT 27 I.T., SAID POINT BEING THE TRUE POINT OF  
14 BEGINNING; THENCE ON AN ASSUMED BEARING OF  
15 NORTH 00 DEGREES 46 MINUTES 42 SECONDS WEST  
16 ALONG THE WEST LINE OF SAID LOT 27 I.T., A DISTANCE  
17 OF 596.50 FEET TO A POINT OF DEFLECTION, THENCE  
18 NORTH 89 DEGREES 13 MINUTES 18 SECONDS EAST  
19 ALONG A NORTH LINE OF SAID LOT 27 I.T., A DISTANCE  
20 OF 11.00 FEET TO A POINT OF DEFLECTION, THENCE  
21 NORTH 00 DEGREES 28 MINUTES 16 SECONDS WEST  
22 ALONG THE WEST LINE OF SAID LOT 27 I.T., A DISTANCE  
23 OF 426.76 FEET TO A POINT, THENCE NORTH 89  
24 DEGREES 13 MINUTES 18 SECONDS EAST, A DISTANCE  
25 OF 150.16 FEET TO A POINT OF CURVATURE, THENCE  
26 ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION  
27 HAVING A RADIUS OF 450.00 FEET, ARC LENGTH OF  
28 248.90 FEET, DELTA ANGLE OF 31 DEGREES 41 MINUTES  
29 28 SECONDS, A CHORD BEARING OF NORTH 73  
30 DEGREES 22 MINUTES 34 SECONDS EAST, AND A  
31 CHORD LENGTH OF 245.74 FEET TO A POINT OF  
32 REVERSE CURVATURE, THENCE ALONG A CURVE IN A  
33 CLOCKWISE DIRECTION HAVING A RADIUS OF 500.00

1 FEET, ARC LENGTH OF 275.92 FEET, DELTA ANGLE OF 31  
2 DEGREES 37 MINUTES 05 SECONDS, A CHORD BEARING  
3 OF NORTH 73 DEGREES 20 MINUTES 23 SECONDS EAST,  
4 AND A CHORD LENGTH OF 272.43 FEET TO A POINT OF  
5 TANGENCY, THENCE NORTH 89 DEGREES 08 MINUTES  
6 55 SECONDS EAST, A DISTANCE OF 249.86 FEET TO A  
7 POINT, THENCE NORTH 00 DEGREES 51 MINUTES 05  
8 SECONDS WEST, A DISTANCE OF 240.42 FEET TO A  
9 POINT, THENCE NORTH 45 DEGREES 00 MINUTES 00  
10 SECONDS EAST, A DISTANCE OF 78.18 FEET TO A POINT,  
11 THENCE NORTH 88 DEGREES 51 MINUTES 10 SECONDS  
12 EAST, A DISTANCE OF 120.00 FEET TO A POINT, THENCE  
13 SOUTH 01 DEGREES 08 MINUTES 50 SECONDS EAST, A  
14 DISTANCE OF 61.63 FEET TO A POINT, THENCE SOUTH  
15 52 DEGREES 20 MINUTES 26 SECONDS EAST, A  
16 DISTANCE OF 38.32 FEET TO A POINT OF INTERSECTION  
17 WITH THE NORTH LINE OF SAID LOT 27 I.T., THENCE  
18 NORTH 89 DEGREES 08 MINUTES 55 SECONDS EAST  
19 ALONG THE NORTH LINE OF SAID LOT 27 I.T., A  
20 DISTANCE OF 1486.44 FEET TO THE NORTHEAST  
21 CORNER OF SAID LOT 27 I.T., THENCE SOUTH 00  
22 DEGREES 51 MINUTES 05 SECONDS EAST ALONG THE  
23 EAST LINE OF SAID LOT 27 I.T., A DISTANCE OF 1359.50  
24 FEET TO THE SOUTHEAST CORNER OF SAID LOT 27 I.T.,  
25 THENCE SOUTH 88 DEGREES 49 MINUTES 42 SECONDS  
26 WEST ALONG THE SOUTH LINE OF SAID LOT 27 I.T., A  
27 DISTANCE OF 2606.12 FEET TO THE TRUE POINT OF  
28 BEGINNING, SAID TRACT CONTAINS A CALCULATED  
29 AREA OF 76.22 ACRES, OR 3,320,377.37 SQUARE FEET  
30 MORE OR LESS;

31 WHEREAS, the real property adjacent to the area included within the site  
32 plan for this community unit plan will not be adversely affected; and

33 WHEREAS, said site plan together with the terms and conditions hereinafter  
34 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
35 Code to promote the public health, safety, and general welfare.

36 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
37 Lincoln, Nebraska:

1           That the application of M & S Construcion, hereinafter referred to as  
2 "Permittee", to develop Ashley Heights Community Unit Plan for 295 dwelling units, on the  
3 property legally described above, be and the same is hereby granted under the provisions  
4 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
5 construction and operation of said community unit plan be in strict compliance with said  
6 application, the site plan, and the following additional express terms, conditions, and  
7 requirements:

8           1.     This permit approves a community unit plan consisting of 295 dwelling  
9 units.

10          2.     The City Council must approve Comprehensive Plan Amendment #94-  
11 52, Annexation No. 00001, Change of Zone 3248, and Preliminary Plat 00005.

12          3.     Before receiving building permits:

- 13               a.     The Permittee must submit a revised and reproducible plan.  
14               b.     The construction plans must conform to the approved plans.  
15               c.     Final plats within the area of this special permit must be  
16 approved by the City.

17          4.     Before occupying the dwelling units, all development and construction  
18 must be completed in conformance with the approved plans.

19          5.     All privately-owned improvements must be permanently maintained  
20 by the Permittee or an appropriately established homeowners association approved by the  
21 City Attorney.

22          6.     The site plan approved by this permit shall be the basis for all  
23 interpretations of setbacks, yards, locations of buildings, location of parking and circulation

1 elements, and similar matters.

2 7. The terms, conditions, and requirements of this resolution shall be  
3 binding and obligatory upon the Permittee, its successors, and assigns. The building  
4 official shall report violations to the City Council which may revoke the special permit or  
5 take such other action as may be necessary to gain compliance.

6 8. The Permittee shall sign and return the City's letter of acceptance to  
7 the City Clerk within 30 days following approval of the special permit, provided, however,  
8 said 30-day period may be extended up to six months by administrative amendment. The  
9 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
10 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
11 Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor